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C O N F I D E N T I A L PESHAWAR 000203

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TAGS: [PGOV](#) [PTER](#) [ECON](#) [MOPS](#) [PK](#)

SUBJECT: ADMINISTRATIVE NORMALIZATION OF THE MALAKAND DIVISION MOVES  
AHEAD

REF: A) PESHAWAR 184; B) ISLAMABAD 788

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REASON: 1.4 (d)

¶1. (C) Summary: Over the past week, Pakistan's government took several significant steps to normalize administration in the Malakand division after the April-August military operations against militants there. On October 3, the Northwest Frontier Province (NWFP) government appointed executive magistrates throughout the Malakand division to speed adjudication of cases and respond to local demands for swift justice. On October 5, the government fully lifted the curfew in many southern and central areas of the Malakand division (a curfew remains in place around Matta). On October 9, the federal government announced it had allocated 70 billion rupees (\$840 million) to reconstruct the Malakand division's physical infrastructure. Although the October 12 suicide bombing in Shangla will undermine restoration of public confidence, these developments showcase the area's shift from military to civilian rule and the GOP's resource commitment to the area. End Summary.

#### Magistrates Installed

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¶2. (SBU) On October 3, the NWFP government announced the appointment of civil magistrates at the district and sub-district levels of each district in the Malakand division. The new magistrates will have the power to arbitrate small-claims disputes and small-scale criminal offenses. However, they will be drawn from the civil service and will report through the executive branch of the Pakistani government to the NWFP's Additional Chief Secretary for Home - not to the judiciary. At the district level, the magistrates will be the District Coordination Officers (DCOs), who had already held the role as the top civil servant in each district. Under the new system, they will essentially serve as a court of appeals for these cases.

¶3. (SBU) The sub-district-level magistrates are filling entirely new positions. They are from other parts of the civil service and mirror the newly expanded number of "tehsils" (sub-district units akin to U.S. counties employed for taxation and other administrative purposes) in the Malakand division. The NWFP government's administrative restructuring plan for the Malakand division has doubled the number of tehsils throughout the division in order to increase government's local presence and responsiveness. In Swat district alone, the number of tehsils has increased from two to seven; Swat will also receive

additional "executive" magistrates to assist in adjudication in tehsils where the caseload is particularly dense.

#### Nizam-i-Adl Implementation Ongoing

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¶4. (SBU) The appointment of executive-branch magistrates in the Malakand division is essentially a reversion to the two-tiered judicial system that existed throughout Pakistan prior to former President Musharraf's 2002 administrative changes to local governance. Currently, however, the Malakand division is one of only a few areas of Pakistan that have implemented this system. The appointment of executive magistrates is an element of the wider Nizam-i-Adl regulation (NAR), passed by the National Assembly and signed by President Zardari in April 2009 at the peak of militant influence in the Malakand division (ref B). Despite the subsequent military operation and the vastly changed circumstances on the ground, the government has continued to quietly move ahead with the implementation of the regulation.

¶5. (C) In practice, according to NWFP Minister of Law Arshad Abdullah, this implementation has primarily amounted to an "islamicizing" of the language used in the judicial system (e.g., judges will be known as qazis and area judges will be known as illaga qazis) and several administrative changes that will reduce the backlog of cases in the court system. (Note: The latter was one of the primary grievances driving the attractiveness of the militants, who delivered quick justice. Aside from the appointment of executive magistrates, these administrative changes include the approval of 100 new positions (though none of these positions has been filled as yet). The NAR also imposes time limitations on the adjudication of various categories of cases and penalties for inability to make the deadlines. Other reforms under the NAR, including the establishment of a high (appeals) court and an additional bench of Pakistan's Supreme Court in Swat, are still on hold.

#### Curfew Lifted

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¶6. (SBU) On October 5, the NWFP government announced that it had fully lifted all curfews from Malakand district and from southern and central Swat, including the recently conflicted Kabal and Charbagh areas to the north of Mingora. (Note: A partial curfew remains in effect in the Matta and Khwazakhela areas of central Swat.) Some form of curfew has been in effect over most of this area since the first combat operations began in November 2007; citizens had been complaining about the negative effect of these curfews on commercial activities and economic normalization.

#### More Federal Money for Malakand

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¶7. (SBU) On October 9, a federal-level committee chaired by Prime Minister Gilani approved an 86 billion-rupee (\$1.03 billion) package intended to support reconstruction of conflicted-affected portions of the Malakand division and Federally Administered Tribal Areas (FATA). The bulk of this money (70 billion rupees, or \$840 million) is allocated specifically toward the Malakand division, though the precise distribution of this money by sector does not appear to have been fully worked out as yet. This package is the second major transfer of federal money specifically targeted at conflict-affected regions of the NWFP and FATA, after the government's 24 billion-rupee (\$288 million) pledge in July, of which the NWFP government has received the first 6 billion-rupee (\$72 million) tranche (ref A).

¶8. (C) Comment: Although the October 12 suicide bombing in Shangla district (bordering the Khwazakhela tehsil of Swat) will dent local confidence, the developments of the past week reflect the continuing transfer of authority in the area from military to civilian control. They also demonstrate the commitment of the GOP to restore the Malakand division by providing both human

and financial resources. Civilian officials are following guidelines enabled by the Nizam-i-Adl regulation and formulated by the NWFP's Provincial Reconstruction Rehabilitation and Stabilization Authority (PaRRSA), which emphasize quick justice and more local responsiveness. Local officials continue to warn, however, that without additional resources from the international community, the scope and pace of reconstruction in Malakand will falter and this potentially will undermine hard-won gains against militancy. End comment.

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